



United States Attorney
Southern District of New York

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The Silvio J. Mollo Building
One Saint Andrew's Plaza
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September 19, 2016

BY ECF

Honorable Richard M. Berman
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: United States v. Diego Fernando Murillo-Bejarano, 03 Cr. 1188 (RMB)

Dear Judge Berman:

The Government respectfully submits this letter regarding the Court's Order dated June 24, 2016, and modified on August 1, 2016, concerning any potential motion for a reduction in the defendant's sentence pursuant to 18 U.S.C. § 3582(c)(2). On September 12, 2016, counsel for the defendant submitted a letter notifying the Court that the defendant was ineligible for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(2) and therefore declining to make a motion for such a reduction. The Government concurs that the defendant is ineligible for a reduction in sentence. Because the defendant's offense involved the importation of many thousands of kilograms of cocaine into the United States, Amendment 782 to the U.S. Sentencing Guidelines ("U.S.S.G") "does not have the effect of lowering the defendant's applicable guideline range." U.S.S.G. § 1B1.10(a)(2)(B).

Because the defendant has not filed any motion, the Government respectfully requests that the Court decline to take any action *sua sponte* at this time, and that the conference in this matter previously scheduled for October 4, 2016, be cancelled.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: *David W. Denton, Jr.*
David W. Denton, Jr.
Assistant United States Attorney
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SO ORDERED: *Provable* (by ECF)
Date: 9/26/16 *Richard M. Berman*
Richard M. Berman, U.S.D.J.